

**CHAPTER NO. 234**

**HOUSE BILL NO. 1158**

**By Representative Rinks**

**Substituted for: Senate Bill No. 1445**

**By Mr. Speaker Wilder**

AN ACT to amend Tennessee Code Annotated, Section 7-82-307, relative to the creation and membership of certain utility districts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 7-82-307, is amended by adding the following as a new, appropriately designated subsection:

( ) (I) Notwithstanding any other provision of law to the contrary, in any water utility district having a service area that includes territory within an adjoining state but primarily includes territory within this state in a county having a population of not less than twenty-two thousand six hundred (22,600) nor more than twenty-two thousand seven hundred (22,700) according to the 1990 Federal Census or any subsequent Federal Census, the Board of Commissioners shall be composed of five (5) members. Positions on the board shall be designated as Positions 1, 2, 3, 4, or 5. Members shall be nominated and selected in accordance with subdivision (2) of this subsection.

(2) In order to establish staggered, regular terms of office for board members, the terms of office for these positions shall be adjusted and established as follows:

(A) The term of office currently scheduled to expire on July 31, 1999, shall be extended to August 30, 2000, and designated as Position 1. The term of office currently scheduled to expire on June 30, 2000, shall be extended to August 30, 2000, and be designated as Position 2. For Positions 1 and 2, and the term beginning September 1, 2000, and every term thereafter, shall be four (4) years.

(B) The term of office currently scheduled to expire on July 31, 2002, shall be extended to August 30, 2002, and designated as Position 3. Two (2) new positions shall be created and designated as Positions 4 and 5. These two (2) positions shall be filled as soon as is practicable after the effective date of this act. For the initial term, members serving in Positions 4 and 5 shall serve from the time of election until August 30, 2002. For Positions 3, 4, and 5, the term beginning September 1, 2002, and every term thereafter shall be four (4) years.

(3) After the effective date of this act, the incumbent Board of Commissioners shall schedule a special meeting for the purpose of filling the two (2) newly created positions and any existing vacancies on the board. Such election shall be held on or before September 1, 1999. Any subsequent elections to fill a vacancy occurring after July 1, 1999, shall be scheduled by the board as soon as practicable after receiving notice of the vacancy. Elections to fill a term of office that is scheduled to expire normally shall be scheduled by the

board for a meeting not less than thirty (30) days nor more than sixty (60) days prior to the end of the term.

(4) Elections conducted after the effective date of this act for new positions or vacancies shall be conducted in the following manner:

(A) Only customers residing in the district shall be entitled to vote in elections for board members or be eligible for election to the board. A "customer" is a person or entity whose name appears on a utility bill for water services. Only one (1) vote shall be allowed for each utility bill.

(B) The incumbent Utility District Commissioners shall schedule a date for an election and mail a written notice to all customers of the utility district notifying them of the need to fill a vacancy or a new position on the board. Such notices shall be mailed not less than forty-five (45) days nor more than sixty (60) days prior to the election. Such notice shall include, but shall not necessarily be limited to, information identifying the purpose, time, location of the election, as well as instructions for nomination and selection of candidates.

(C) Candidates for membership on the board shall qualify by getting twenty-five (25) signatures from customers on a nominating petition stating clearly their intent to run for membership on the board. Candidates for membership on the board shall designate which position (1, 2, 3, 4, or 5) they are seeking on their nominating petition. This petition must be received by the board not less than thirty (30) days before the scheduled date of the election. A petition shall be considered "received" if it is postmarked by the required date.

(D) Not more than twenty (20) days nor less than fifteen (15) days before the election, the board shall mail a ballot, with instructions, to all customers of the district including the names of all candidates who qualified by submitting nominating petitions. Customers shall bring the ballot and notice of election to the scheduled meeting and cast their vote for a candidate at the meeting. The votes shall be forthwith counted at the meeting by the incumbent board members in the sight and presence of such of the customers as choose to be present and observe such count and tally.

(E) In the event that the Board of Commissioners fails to set the date of a meeting at which nominations should be made; fails to send the proper notice of such meeting to the customers; or fails to hold the election for persons to fill a vacancy or the new positions on the board, any twenty (20) customers of the district may petition the county executive of such county to perform any or all of the acts which are herein required to have been performed by the Board of Commissioners of the district. Such petition shall set forth under oath the facts showing that a vacancy on the board exists or that a new position needs to be filled and the manner in which such board has failed to comply with the nomination and/or election procedure as required in this subsection. Upon finding that the facts are such as to require a nomination and/or election procedure hereunder, the county executive shall perform the acts required to have been performed by such board. Any and all expenses relative thereto shall be an expense and debt of the district which shall forthwith be repaid to the county.

SECTION 2 This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: May 12, 1999**

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

**APPROVED this 25th day of May 1999**

  
DON SUNDQUIST, GOVERNOR